

DECLARATION



As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MODIFIED RIBULOSE 1, 5-BISPHOSPHATE CARBOXYLASE/OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES** the specification of which was filed on November 9, 1999 as Application No. 09/437,726.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

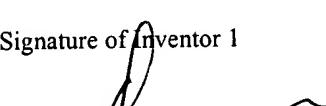
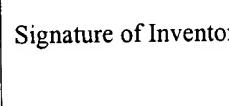
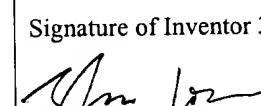
Application No.	Filing Date
60/107,756	November 10, 1998
60/153,093	September 9, 1999

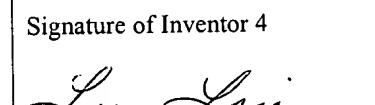
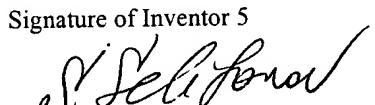
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

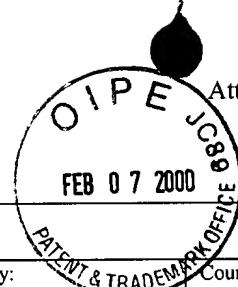
Application No.	Date of Filing	Status

Full Name of Inventor 1:	Full Name: <b>Willem P. C. Stemmer</b>		
Residence & Citizenship:	City: <b>Los Gatos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Netherlands</b>
Post Office Address:	Post Office Address: <b>108 Kathy Court, Los Gatos, California 95032 United States of America</b>		
Full Name of Inventor 2:	<b>Venkitswaran Subramanian</b>		
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States of America</b>
Post Office Address:	Post Office Address: <b>3980 Corte Mar De Hierba, San Diego, California 92130 United States of America</b>		
Full Name of Inventor 3:	Full Name: <b>Genhai Zhu</b>		
Residence & Citizenship:	City: <b>Sunnyvale</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>People's Republic of China</b>
Post Office Address:	Post Office Address: <b>629 San Miguel Avenue, Sunnyvale, California 94086 United States of America</b>		
Full Name of Inventor 4:	Full Name: <b>Lu Liu</b>		
Residence & Citizenship:	City: <b>Redwood City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>People's Republic of China</b>
Post Office Address:	Post Office Address: <b>519 Skiff Circle, Redwood City, California 94065 United States of America</b>		
Full Name of Inventor 5:	Full Name: <b>Sergey A. Selifonov</b>		
Residence & Citizenship:	City: <b>Los Altos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Russia</b>
Post Office Address:	Post Office Address: <b>2240 Homestead Court, Apt #214, Los Altos, California 94024 United States of America</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 	Signature of Inventor 3 
<b>Willem P. C. Stemmer</b>	<b>Venkitswaran Subramanian</b>	<b>Genhai Zhu</b>
Date <b>1-14-00</b>	Date	Date <b>1/17/00</b>

Signature of Inventor 4 	Signature of Inventor 5 
<b>Lu Liu</b>	<b>Sergey A. Selifonov</b>
Date <b>1-17-00</b>	Date <b>1-17-2000</b>



Full Name of Inventor 1:	Full Name: <b>Willem P. C. Stemmer</b>		
Residence & Citizenship:	City: <b>Los Gatos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Netherlands</b>
Post Office Address:	Post Office Address: <b>108 Kathy Court, Los Gatos, California 95032 United States of America</b>		
Full Name of Inventor 2:	<b>Venkitswaran Subramanian</b>		
Residence & Citizenship:	City: <b>San Diego</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States of America</b>
Post Office Address:	Post Office Address: <b>3980 Corte Mar De Hierba, San Diego, California 92130 United States of America</b>		
Full Name of Inventor 3:	Full Name: <b>Gehai Zhu</b>		
Residence & Citizenship:	City: <b>Sunnyvale</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>People's Republic of China</b>
Post Office Address:	Post Office Address: <b>629 San Miguel Avenue, Sunnyvale, California 94086 United States of America</b>		
Full Name of Inventor 4:	Full Name: <b>Li Liu</b>		
Residence & Citizenship:	City: <b>Redwood City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>People's Republic of China</b>
Post Office Address:	Post Office Address: <b>519 Skiff Circle, Redwood City, California 94065 United States of America</b>		
Full Name of Inventor 5:	Full Name: <b>Sergey A. Selifonov</b>		
Residence & Citizenship:	City: <b>Los Altos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Russia</b>
Post Office Address:	Post Office Address: <b>2240 Homestead Court, Apt #214, Los Altos, California 94024 United States of America</b>		

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Signature of Inventor 1  _____ <b>Willem P. C. Stemmer</b>	Signature of Inventor 2  _____ <b>Venkitswaran Subramanian</b>	Signature of Inventor 3  _____ <b>Gehai Zhu</b>
Date  _____ <b>Jan. 11. 2000</b>	Date  _____ <b></b>	

Signature of Inventor 4  _____ <b>Li Liu</b>	Signature of Inventor 5  _____ <b>Sergey A. Selifonov</b>
Date  _____ <b></b>	Date  _____ <b></b>



0122.003  
(Modified) PTO/SB/81 (11-96)  
Approved for use through 6/30/99. OMB 0651-0035

<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT, NOT ACCOMPANYING APPLICATION</b>	Application Number	09/437,726
	Filing Date	November 9, 1999
	First Named Inventor	Willem P. C. Stemmer
	Group Art Unit	Unassigned
	Examiner Name	1643
	Attorney Docket Number	02-029220US

I hereby appoint:

Practitioners at Customer Number

22798

Type Customer Number Here

AND

Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995



**22798**

PATENT TRADEMARK OFFICE

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the

Applicant.

Assignee of record of the entire interest (Certificate under 37 CFR 3.73(b) is enclosed)

SIGNATURE of Applicant or Assignee of Record

Name	<i>Michael S. Balson</i>
Signature	<i>Juliana Hermes</i>
Date	1/20/00

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 3, 2000

Typed or printed name	Juliana Hermes		
Signature	<i>Juliana Hermes</i>	Date	February 3, 2000



0122.003

PTO/SB/96 (2-98)

Approved for use through 09/30/2000. OMB 0651-0031

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant: **Maxygen, Inc.**

Application No.: **09/437,726**

Filed: **November 9, 1999**

Entitled: **MODIFIED RIBULOSE 1, 5-BISPHOSPHATE CARBOXYLASE/OXYGENASE  
FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES**

**Maxygen, Inc.**, a **Delaware corporation**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet

[X] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

1/20/00

Date

Signature

Michael S. Rabson

Typed or printed name

General Counsel

Title

# COPY

Attorney Docket No. 02-029220US

FORM PTO-1595 (Rev. 6-93)		Recordation Form Cover Sheet (Patents Only)	U.S. Department of Commerce Patent and Trademark Office
To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof			
1. Name of conveying party(ies):  Willem P. C. Stemmer		2. Name and address of receiving party(ies)  Name: Maxygen, Inc.  Internal Address:  Street Address:  515 Galveston Drive Redwood City, CA 94063 USA	
Additional name(s) of conveying parties attached? Yes		Additional names and addresses attached? No	
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment      Merger  <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other:		Execution Date: 01/11/2000, 01/14/2000 & 01/17/2000	
4. Application Number(s) or Patent Numbers.  If this document is being filed together with a new application, the execution date of the application is:			
A. Patent Application No(s): 09/437,726 Additional numbers attached? No		B. Patent No(s):	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Jonathan Alan Quine, Esq. Law Offices of Jonathan Alan Quine P.O. Box 458 Alameda, CA 94501 (510) 337-7871		6. Total number of applications and patents involved 1  7. Total fee (37 CFR 3.41): ----- \$40.00  <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge Fees to Deposit Account  X Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.	
		8. Deposit account number: 50-0893	
DO NOT USE THIS SPACE			
9. Statement and signature.  <i>To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.</i>			
Jonathan A. Quine Name of Person Signing  Atty Reg. No. 41,261		Signature	Date
Total number of pages including cover sheet, attachments and document 7			
10. Change Correspondence Address to that of Part 5?		X Yes <input type="checkbox"/> No	
OMB No. 0651-0011 (exp. 4/94)		Do not detach this portion	
Mail documents to be recorded with required cover to:		Asst. Commissioner for Patents Box: Assignments Washington, D.C. 20231	



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1. Additional name(s) of conveying party(ies):  
(Continued from Page 1)

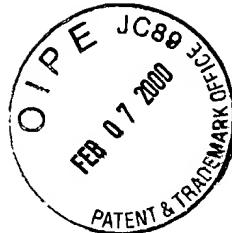
Venkitswaran Subramanian  
Genhai Zhu  
Lu Liu  
Sergey A. Selifonov

2. Additional name(s) and address(es) of receiving party(ies):  
(Continued from Page 1)

3. Additional application number(s) or patent number(s):  
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)



# COPY

Attorney Docket No.: 02-029220US  
Client Reference No.: 0122.003

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Willem P. C. Stemmer, of 108 Kathy Court, Los Gatos, California 95032, Venkitswaran Subramanian of 3980 Corte Mar De Hierba, San Diego, California 92130; Genhai Zhu of 629 San Miguel Avenue, Sunnyvale, California 94086; Lu Liu of 519 Skiff Circle, Redwood City, California 94065 and Sergey A. Selifonov of 2240 Homestead Court, Apt. 214, Los Altos, California 94024 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: MODIFIED RIBULOSE 1, 5-BISPHOSPHATE CARBOXYLASE/OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES

Date(s) of execution of Declaration: \_\_\_\_\_

Filing Date: November 9, 1999

Application No.: 09/437,726; and

WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive, Redwood City, CA 94063 USA, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

- Not for Recordation -

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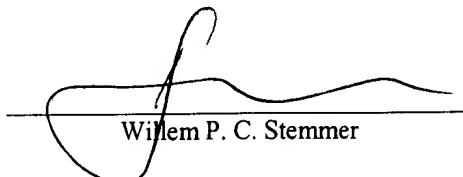
Assignment

Application No.: 09/437,726

Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

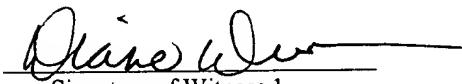
Dated: 1-14-00



Willem P. C. Stemmer

SIGNATURE WITNESSED BY:

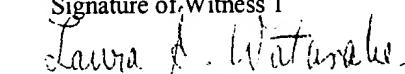
(1) Date: 1/14/00



Diane Wu

Signature of Witness 1

(2) Date: 1/14/00



Laura J. Watanabe

Signature of Witness 2

Dated: \_\_\_\_\_

Venkitswaran Subramanian

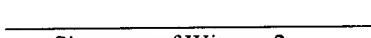
SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_



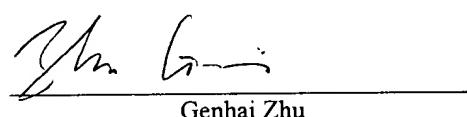
Signature of Witness 1

(2) Date: \_\_\_\_\_



Signature of Witness 2

Dated: 1/17/00

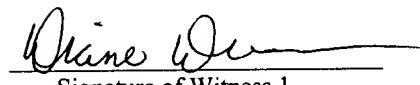


Zhu Genhai

Genhai Zhu

SIGNATURE WITNESSED BY:

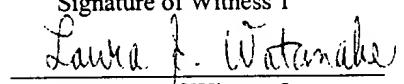
(1) Date: 1/17/00



Diane Wu

Signature of Witness 1

(2) Date: 1/17/00



Laura J. Watanabe

Signature of Witness 2

**COPY**

Assignment

Application No.: 09/437,726

Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: \_\_\_\_\_

Willem P. C. Stemmer

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 1

(2) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 2

Dated: Jan 11. 2000

Venkitswaran Subramanian  
Venkitswaran Subramanian

SIGNATURE WITNESSED BY:

(1) Date: January 11, 2000

Dawella Adams

\_\_\_\_\_  
Signature of Witness 1

(2) Date: January 11, 2000

Dawella Adams

\_\_\_\_\_  
Signature of Witness 2

Dated: \_\_\_\_\_

\_\_\_\_\_  
Gehai Zhu

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 1

(2) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 2

# COPY

Assignment

Application No.: 09/437,726

Page 3

Dated: \_\_\_\_\_

Lu Liu

SIGNATURE WITNESSED BY:

(1) Date: 1/17/00

Winnie Lee

Signature of Witness 1

(2) Date: 1/17/00

Laura E. Watanabe

Signature of Witness 2

Dated: 1/17/2000

S. Selifonov

Sergey A. Selifonov

SIGNATURE WITNESSED BY:

(1) Date: 1/17/00

Winnie Lee

Signature of Witness 1

(2) Date: 1/17/00

Laura E. Watanabe

Signature of Witness 2